

April 2, 2009

Madam Chair and Members of the House Great Lakes and Environment Committee:

On behalf of the Michigan Waste Industries Association (MWIA), I would like to take this opportunity to express our concerns with the package before you, HBs 4277, 4278, 4279, 4280 and 4281.

The MWIA supports a landfill Mercury ban as described in this legislation, but only if a generator ban is included. The participation of generators is critical for the success of any ban because they are the first step in the disposal process. A ban that does not require generators to follow the same regulations as the disposal site is destined to fail.

Mercury exists in the majority of homes in the State. The ban's effectiveness would be greatly enhanced if communities and solid waste collection companies have the ability to tell their customers they cannot dispose of products containing mercury. We seek this generator ban to enlist the support of homeowners in the effort to rid our state of the potential for mercury contamination. We do not advocate for any penalties to be assessed against homeowners who may not comply.

The 1995 yard waste ban demonstrated the problems caused by a policy that bans materials at the landfill without including generator responsibility. That legislation banned yard waste at the landfill but did not require homeowners/generators to keep it out of their trash. What ensued were five or more years of confusion as citizens refused to comply and municipalities were unable to cite the legislation for support in their effort to end the practice of mixing yard waste in trash.

The DEQ clearly has statutory authority to regulate waste and this responsibility should be relied upon to justify a generator ban that will do nothing more than aid in the fight to end mercury contamination. Consider the fact that the DEQ does not have the ability to police every stream and waterway, yet regulations exist making it a crime to release oil and a host of other contaminants in our waterways. Although the potential for prosecution is minor, homeowners and businesses are aware they are subject to these regulations and this knowledge is a deterrent against such activity.

Landfill bans cannot be effective unless they are accompanied by a generator ban and a clear plan for implementation. Thank you for your consideration of our position.

Dan Batts  
President, Michigan Waste Industries Association